

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7373

Joint Petition of Vermont Electric Power Company, Inc., )  
Vermont Transco, LLC, and Central Vermont Public )  
Service Corporation for a certificate of public good, )  
pursuant to 30 V.S.A. Section 248, authorizing the )  
construction of the Southern Loop Transmission )  
Upgrade Project )

Order entered: 3/19/2008

**ORDER RE: NORTHEAST UTILITIES' MOTION TO INTERVENE**

On January 31, 2008, Northeast Utilities Service Company ("NUSCO") filed a motion to intervene in this Docket. On February 8, 2008, Vermont Electric Power Company, Inc. and Vermont Transco, LLC (together, "VELCO"), and Central Vermont Public Service Corporation (collectively "Petitioners") filed a letter opposing NUSCO's intervention request.

Petitioners state that the motion is untimely and should be rejected by the Board. In addition, Petitioners contend that NUSCO fails to demonstrate a substantial interest under Section 248 that may be affected by this proceeding and that ISO-NE (an existing party) can adequately represent NUSCO's interests. Additionally, Petitioners contend that there are alternative means through which NUSCO's interests can be protected (through the ISO-NE planning process) and that NUSCO's intervention will unduly delay the proceeding and prejudice the parties.

On February 12, 2008, NUSCO filed a reply to Petitioners' February 8 letter. NUSCO states that its interest in these proceedings is related to the Vermont Yankee substation, where three transmission lines that terminate at this substation interconnect with the transmission system of Public Service Company of New Hampshire ("PSNH"), which is a Northeast Utilities subsidiary and affiliate of NUSCO. NUSCO contends that one of the alternatives considered by VELCO was a rebuild of the Vermont Yankee substation and that this alternative could be considered in these proceedings. With respect to the filing of the intervention request after the deadline established by the Board, NUSCO states that the request will not prejudice other parties

and that NUSCO will take the schedule as established by the Board. Finally, NUSCO states that ISO-NE does not adequately represent NUSCO's interests with respect to possible construction work at the Vermont Yankee substation.

On February 19, 2008, Petitioners filed a surreply in opposition to NUSCO's motion. Citing Vermont Supreme Court precedent, Petitioners claim that the Board cannot, under Section 248, consider impacts outside the state of Vermont unless those impacts affect the general good of Vermont. Petitioners also reiterate their contention that NUSCO's concerns should be addressed during ISO-NE's transmission planning process.

We conclude that NUSCO has not met three of the criteria for intervention. First, an existing party, ISO-NE, adequately represents any interest that NUSCO may have in system-reliability issues in this Docket. Second, NUSCO has not demonstrated that there is an alternative means of protecting its interests – such as the ISO-NE review process identified by Petitioners. Third, although NUSCO's motion indicates that it owns facilities at the Vermont Yankee substation that might be impacted by the proposed project, it has not explained, with any clarity, how NUSCO's facilities might be affected. Accordingly, NUSCO's filings do not identify a substantial interest that may be affected by the outcome of the proceeding.

NUSCO's motion to intervene is denied.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 19th day of March, 2008.

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|-------------------------|---|----------------|
| <u>s/ James Volz</u>    | ) |                |
|                         | ) | PUBLIC SERVICE |
|                         | ) |                |
| <u>s/ David C. Coen</u> | ) | BOARD          |
|                         | ) |                |
|                         | ) | OF VERMONT     |
| <u>s/ John D. Burke</u> | ) |                |

OFFICE OF THE CLERK

FILED: March 19, 2008

ATTEST: s/ Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*